

REMARKS

Claims 15 to 28 are now pending in this application. Applicant respectfully requests reconsideration of the present application in view of this amendment.

Applicant thanks the Examiner for allowing claims 21 to 28. Applicant also thanks the Examiner for indicating that claims 16 to 20 would be allowable if rewritten in independent form including all the limitations of the base claims and any intervening claims.

Claim 15 was rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 4,597,079 to Aoki et al. ("Aoki reference") in view of U.S. Patent No. 6,327,243 to Gregorat ("Gregorat reference").

As discussed earlier, the Aoki reference purportedly concerns a redundant switchover system for TDMA satellite communication system for relaying messages from earth station to earth station via a communication satellite, an initially active terminal unit (1) for determining at an early stage that the transmit burst synchronization is lost, and an initially stand-by terminal unit (2) determines at a later stage that the transmit burst synchronization is lost. Abstract, lines 1-8.

The Gregorat reference has a U.S. filing date of August 3, 1998, and an issue date of December 4, 2001. The present application is a national phase application of a PCT filed on June 19, 1998, claiming priority to German Application No. 19728061.7 filed on July 1, 1997. Respectfully, Applicant submits that the Gregorat reference cannot be used as a prior art reference to the present application. To that end, the Gregorat reference cannot be used to "meet the requirement of controllers controlled by software" as offered by the Office Action, or to show any of the features of claim 15 of the present application.

Claim 15 is directed to a process for controlling a use of a satellite transmission capacity in order to achieve a substitution of out-of-order data lines in terrestrial networks such that an alternative routing via a satellite is initiated and monitored and an assignment is effected with respect to the alternative routing.

The Aoki reference alone does not teach or suggest each and every claim feature, as recited in claim 15, including: *causing a plurality of controllers controlled by software and respectively allocated to one of a master terminal and a slave terminal to achieve a control that is automatic, decentralized, and local; causing the plurality of controllers to detect a need for the alternative routing based on an analysis of a data control signal from a data transmission device of a user; using a control software to monitor locally and automatically an occupancy state of the satellite transmission capacity; and carrying out software-controlled alternative routing operations via a respective one of the plurality of controllers.*

That is, the Aoki reference refers to a TDMA system in which, in a normal state, the synchronization of transmit signals, i.e., transmit bursts, is realized in the active terminal unit 1 by the received bursts; and, simultaneously, in a normal state, the synchronization of

transmit bursts is realized in the stand-by terminal unit 2 by the received bursts, although the transmit bursts from the terminal unit 2 are not transmitted to the satellite SAT. Col. 4, lines 16-23. The Aoki reference further states that in a TDMA communication system, in order to transmit a sequence of bursts time-divisionally to the satellite SAT, synchronization of the transmit bursts is indispensable – and such synchronization is carried out by detecting the unique word UW of its own burst included in the bursts. Col. 3, lines 53-58. The Aoki reference describes its redundant switchover system having TDMA terminal units 1, 2, a switch 3 for selecting a terminal unit 1, 2, an up converter 4 which is a kind of frequency converter, a high power transmitter 5, an antenna 6, a low noise receiver 7, a down converter 8, and a distributor 9. Col. 3, lines 59-68. The switch 3 is controlled by a switchover logic unit 10, wherein a transmit signal is supplied from an active terminal unit 1 via the switch 3 and the up converter 4 to the transmitter 5, and is transmitted from the antenna 6 to the satellite SAT. Only one transmit signal or burst from either the terminal unit 1 or the stand-by terminal unit 2 is supplied to the up converter 4. Col. 4, lines 1-11.

Withdrawal of the rejection of claim 15 under 35 U.S.C. § 103(a) over the Aoki reference alone in view of the Gregorat reference is respectfully requested. Applicant believes that claim 15 and its dependent claims 16 to 20 are now in condition for allowance.

CONCLUSION

In view of all of the above, it is believed that the rejection of claim 15, and the objection to claims 16 to 20 have been obviated, and that all currently pending claims 15 to 28 are allowable. It is therefore respectfully requested that any objections and/or rejections be reconsidered and withdrawn, and that the present application issue as early as possible.

Dated: Feb. 22, 2005

Respectfully submitted, *By: [Signature]*

By: *[Signature]*

Richard L. Mayer
(Reg. No. 22,490)

KENYON & KENYON
One Broadway
New York, New York 10004
(212) 425-7200 (telephone)
(212) 425-5288 (facsimile)

CUSTOMER NO. 26646